

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RED FORT CAPITAL, INC.,

Plaintiff,

- against -

RUSSELL S. DILLEY ET AL.,

Defendants.

19-CV-686 (KPC) (RWL)

## ORDER

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

On September 16, 2019, the Court signed an ex parte Order of Attachment as to defendant Russell S. Dilley. (Dkt. 159-1.) The Order expressly applied to, *inter alia*, all funds held in any brokerage account Dilley held with Morgan Stanley Smith Barney LLC. The Court confirmed the Order of Attachment on October 15, 2019. (Dkt. 188.)

On April 3, 2023, the parties settled their dispute and filed a Stipulation and Consent Order For Release Of Funds Subject To The Court's Order Of Attachment (the "Release Order") which the Court so-ordered. (Dkt. 298.) Among other provisions, the Release Order provides that "Any assets held in any brokerage account defendant Russell S. Dilley may have ... with Morgan Stanley Smith Barney LLC ... are hereby released and shall be paid to plaintiff Red Fort Capital, Inc." (*Id.* at 2.) The Release Order requires Dilley to undertake all necessary and reasonable actions to facilitate the transfer of his assets to Red Fort Capital.

On June 13, 2025, Dilley filed a letter with the Court stating that his “IRA accounts with TIAA and Morgan Stanley were frozen in th[e] case in September 2019,” noting that the case had settled, and requesting that the Court issue an order releasing those accounts. (Dkt. 301.) On June 16, 2025, the Court issued an order directing that if Red

Fort Capital objected to Dilley's request, it shall do so by June 23, 2025. Red Fort has not filed any objection. That said, this case has been closed for over two years, and the Court does not know if counsel of record for Red Fort remains so or if Red Fort is aware of the order.

Had Red Fort filed a satisfaction of judgment, the Court would have no hesitation in honoring Dilley's request. But the docket does not contain any such satisfaction of judgment. Accordingly, in order to proceed as requested, the Court Dilley shall ask Red Fort to file either (1) a satisfaction of judgment, or (2) a statement that Red Fort does not object to Dilley's request for lifting of attachment on the accounts.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: June 27, 2025  
New York, New York

Copies transmitted this date to all counsel of record.